

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM DAVID BUSH,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, *et*  
*al.*,

Defendants.

Case No. [21-cv-06055-SI](#)

**ORDER REVOKING *IN FORMA*  
*PAUPERIS* STATUS ON APPEAL**

Re: Dkt. No. 23

The Court has received a referral notice from the Ninth Circuit Court of Appeal. The notice directs the Court to determine whether *in forma pauperis* status should continue for plaintiff's appeal or whether the appeal is frivolous or taken in bad faith. *See* 28 U.S.C. § 1915(a)(3).

The Court has reviewed the docket and determines that the appeal is frivolous for the reasons stated in the order dismissing the complaint, including that plaintiff's complaint, which seeks an order directing defendants to enforce the Filled Milk Act, brings a broad programmatic challenge that is not permitted under the Administrative Procedure Act, 5 U.S.C. §§ 702-70.

**IT IS SO ORDERED.**

Dated: November 11, 2021



SUSAN ILLSTON  
United States District Judge